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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WAGNER, MURABITO & HAO LLP
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EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

24

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,236

Applicant(s)

PARTOVI ET AL.

Examiner

Quang N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/17/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Detail Action

1. This Office Action is in response to the Amendment C filed on 09/16/2003. Claims 1-17 are cancelled without prejudice. Claims 18-37 have been added as new claims and presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 18-37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. (US 6,055,513), herein after referred as Katz, in view of Ladd et al. (US 6,269,336), herein after referred as Ladd.**

4. As to claim 18, Katz teaches a method for presenting personalized content over a voice portal, comprising:

receiving a telephone identifying information from a user (Katz, C9: L29-40);
generating a user profile as a function of said telephone identifying information
and one or more elements selected from a group consisting of a time, a date, a location,

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and implicit selection, an explicit selection, a demographic, and a psychographic (Katz, C9: L43-67, C10: L1-24, C17: L47-67 and C18: L1-15);

selecting a qualified content, as a function of said user profile and a content type, from a plurality of information contained in one or more sources consisting of the world wide web, a database, a repository and a third party (Katz, C10: L25-67, C11: L1-45, C23: L40-67, C24: L1-60 and C26: L21-37);

presenting, to said user, said qualified content as an audio output (Katz, C25: L40-55).

However, Katz does not explicitly teach selecting a qualified voice character as a function of said user profile and a voice characteristic of said user and presenting said qualified content formatted in said qualified voice character to said user.

In the related art, Ladd teaches a method and system for automatically selecting and providing various dialog voice personalities (i.e., a female voice, a male voice, etc), various speech recognition models (i.e., an English model, a Spanish model, etc) and implementing various grammars/vocabulary to detect and respond to the audio inputs from a user based on the user profile, the user's communication device, and/or the user's speech patterns (i.e., voice characteristic of said user) (Ladd, C6: L26-49).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Katz and Ladd to select a qualified voice character as a function of said user profile and a voice characteristic of said user and to present said qualified content formatted in said qualified voice character to said user because it would provide an intelligent, automated system for

electronic commerce by optimizing or enhancing customer or user satisfaction (by interacting with the user using a qualified voice character based on the user profile and/or the user voice characteristic) to increase the probability and profitability of commercial transactions.

5. As to claims 19-20, Katz-Ladd teaches the method of claim 18, wherein said user is distinguished as a function of a voice password or a function of a touch tone login (Ladd, C6: L50-64).

6. As to claims 21-22, Katz-Ladd teaches the method of claim 18, wherein said qualified content comprises a qualified advertisement or a qualified suggestion (Katz, C23: L40-67 and C24: L1-60).

7. As to claim 23, Katz-Ladd teaches the method of claim 18, wherein said generating said user profile further comprises utilizing additional saved user profile data from a shared database (e.g., database A, B, ... N of Fig. 7) (Katz, C26: L21-37).

8. As to claim 24, Katz-Ladd teaches the method of claim 18, further comprising:
receiving a response, to said presented qualified content, from said user (Katz, C27: L24-31);
updating said user profile as a function of said response from said user (Katz, C11: L32-45 and C26: L4-37);

selecting an additional qualified content, as a function of said updated user profile, from a plurality of information contained in said one or more sources consisting of the world wide web, a database and a third party (Katz, C24: L12-30, C25: L56-67 and C26: L1-48); and

presenting to said user said additional qualified content formatted in said qualified voice character as an audio output (Katz, C25: L40-55 and Ladd, C6: L26-49).

9. As to claim 25, Katz-Ladd teaches the method of claim 24, further comprising storing said updated user profile in said shared database (Katz, C26: L21-37).

10. As to claim 26, Katz-Ladd teaches the method of claim 18, further comprising:

receiving a response to said presented qualified content from said user (Katz, C27: L24-31); and

transferring said user to a third part transaction system (such as billing part, confirmation part, shipping/tracking part or live operator) as a function of said response (Katz, C25: L56-67 and C26: L1-48).

11. Claim 27 is a corresponding voice portal claim of claims 18 and 25; therefore, it is rejected under the same rationale.

12. As to claims 28-29, Katz-Ladd teaches the voice portal of claim 27, further comprising a web server communicatively coupled to said database for receiving data

from a user; updating said saved user profile corresponding to said user and for retrieving said qualified content from the world wide web (Katz, Website 180 of Fig. 5, C20: L6-22 and L39-44).

13. As to claims 30-33, Katz-Ladd teaches the voice portal of claim 27, further comprising a text to speech server for converting text-format qualified content to audio-format qualified content; a streaming engine for enabling generation of streaming audio-format qualified content; an audio repository for providing said qualified content and a recognition server for converting voice-format inputs from said user to text-format inputs from said user (Katz, ARU/VRU 94 of Fig. 3, C16: L50-54 and Ladd, VRU server 234 of Fig. 3, C8: L3-12 and L55-67, C9: L1-54).

14. Claim 34 is a combination claim of claims 18 and 26; therefore, it is rejected under the same rationale.

15. Claims 35-37 are corresponding claims of claims 21-23; therefore, they are rejected under the same rationale.

16. Applicant's request for consideration with respect to claims 18-37 has been considered but is moot in view of the new ground(s) of rejection.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen

A handwritten signature in black ink, appearing to read 'Le Hien Luu', written over a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER